Thank you very much, Mr. Chairman. I welcome

this opportunity this morning to appear before the subcommittee

and to discuss the broad range of our policies and concerns

with respect to Sudan, and particularly on the issue of Sudan’s

support for international terrorism.

Mr. Chairman, I have prepared a longer written testimony,

which I would request be included in the record of the hearing.

Thank you, Mr. Chairman.

If I could briefly summarize the matters of great concern to the

United States with regard to Sudan. U.S. foreign policy objectives

with respect to Sudan are clear and unequivocal. They are to isolate

the Sudanese Government and to contain its efforts to sponsor

international terrorism and, second, to oblige the Sudanese Government

to change other unacceptable aspects of both its domestic and

its international behavior.

Our ongoing diplomatic contacts with the Sudanese Government

are aimed at making our serious objections known directly to senior

levels of the Khartoum Government. Our concerns and our responses

fall into four broad categories. They are terrorism. They

are regional destabilization. They are human rights. And they are

the continuing prosecution of the Sudanese civil war.

With regard to terrorism, Mr. Chairman, the Sudan Government

continues to support international terrorism, primarily in providing

a safe haven for terrorist elements. It was for that reason that the

Clinton administration, in 1993, placed Sudan on the list of State

sponsors of terrorism. And in accordance with that designation, we

have applied a range of unilateral sanctions to oblige the Sudanese

Government to cease and desist in its support for terrorism.

Since 1995, the Sudanese Government has failed to extradite to

Ethiopia three suspects in the assassination attempt against President

Mubarak of Egypt. The United States has led the efforts in

the United Nations Security Council to adopt Security Council resolutions.

As a result of Sudan’s failure to comply with those resolutions,

particularly Resolution 1044, the U.S. Government has reduced

the number of Sudanese diplomats in this country and restricted

their travel within the United States. We have imposed a

restrictive visa regime for the government and military officials.

And we are actively pursuing continuing efforts in the Security

Council to impose additional sanctions.

In the face of this mounting international pressure, Sudan has

taken some steps to respond to the concerns that we and others

have raised regarding their involvement in international terrorism.

Its most significant action was the expulsion of exiled Saudi terrorist

financier Osama bin Laden, and many of his so-called Arab-Afghan

followers. However, as others have pointed out this morning,

Mr. Bin Laden continues to maintain links to a number of businesses

in Sudan, and he retains ties to some leaders of the National

Islamic Front.

Khartoum has also taken steps to tighten its previously lax controls

on the movements of foreigners into and through its territory

by establishing visa requirements and other restrictions.

Mr. Chairman, these actions, however, do not constitute an adequate

or a satisfactory response to the concerns that we and others

have raised. We consider them largely tactical, and Sudan has far

to go to meet the concerns that we and others have raised with regard

to its support for international terrorism.

Our second set of concerns, Mr. Chairman, has to do with Sudan’s

support for groups in the region who actively seek to destabilize

neighboring countries, particularly, but not exclusively,

Uganda, Ethiopia and Eritrea. Despite numerous regional efforts to

promote mediation both within Sudan and with its neighbors, Sudan’s

regional policies have, to date, frustrated the efforts to

achieve any reasonable accommodation.

To help these neighboring States contain Sudan-sponsored

insurgencies, President Clinton, in 1995, authorized the transfer of

some $15 million in nonlethal defensive military assistance to

Uganda, Ethiopia and Eritrea. That was in fiscal year 1996. And

a further transfer of $4.75 million of similar equipment is authorized

for this fiscal year.

The aid to date has consisted of such items as boots and

backpacks, field rations and tents. The first shipments of this assistance

for Eritrea and Ethiopia arrived in February of this year.

Our third major set of concerns with regard to Sudan has to do

with Sudan’s egregious human rights record. Indeed, Khartoum

has one of the worst human rights records in the world. It is responsible

for numerous abuses in both the north and the south of

the country, and it has allowed the continuing practice of slavery

in certain parts of the country. The United States has taken the

lead in the U.N. Human Rights Commission, in the General Assembly,

in denouncing these human rights violations. And we have

also mounted a significant effort, in 1996, to gain access to Sudan

on the part of U.N. human rights rapporteurs, whose efforts have

helped to uncover and publicize the extent of Sudan’s human rights

abuses.

Last, Mr. Chairman, we remain deeply concerned by the Khartoum

Government’s continued prosecution of a very costly and devastating

civil war in the South, rather than seek a just solution

that recognizes the rights of all of Sudan’s citizens. The 14-year

conflict has taken an estimated 1.5 million lives, and generated approximately

2 million internally displaced persons. Active northern

opposition now to the National Islamic Front regime indicates

clearly the extent to which Khartoum’s radical policies have alienated

large segments of Sudanese society.

The U.S. Government does not provide any support to any party

in the civil war. We have, however, supported efforts to achieve a

negotiated settlement in a manner that recognizes the legitimate

interests and the rights of all Sudanese, and we do seek to mitigate

the devastating impact of the civil war on the Sudanese people. We

are the largest single provider of humanitarian assistance to

Sudan. Since 1988, we have provided more than $600 million in

humanitarian assistance, primarily to the war-affected people in

southern Sudan.

Mr. Chairman, certain of the abhorrent policies and practices are

not new or unique to this current Sudanese regime, and our approach

to Sudan must take into account that long history and the

root causes of conflict. However, a complex reality in no way absolves

the current NIF-led regime of responsibility for its own actions.

To date, the Sudanese response to our concerns and the deep

concerns expressed by others have been inadequate, intended primarily

to relieve domestic and international pressure, rather than

to reflect a real reconsideration of policy. Our objective remains the

same. It is to isolate this regime diplomatically and otherwise, and

to oblige it to pursue policies and actions that will change its unacceptable

behavior. Failing that, we have made it clear to Sudanese

authorities that they will face growing international pressure and

that our own bilateral relationship will continue to deteriorate.

In conclusion, Mr. Chairman, I would just say that when I first

assumed my responsibilities in 1993, one of the first official acts or

responsibilities that I was called upon to perform was to advise

Secretary of State Christopher on the question of whether Sudan

should be put on the list of State sponsors of terrorism. And I recall

very clearly my conversation with Senator Feingold at that time.

I will say that there was unanimity within the State Department

that Sudan fully deserved and merited to be put on that list. I cannot

speak for others, but certainly in terms of my own participation

in that decision, there was no need for any external pressure or exhortation

in order to convince us that that was the right and the

appropriate decision.

Since that time, I would simply say, Mr. Chairman, that there

is no government in the world that has taken a stronger stance or

applied more specific measures with regard to Sudan’s behavior

generally and specifically with regard to its support for international

terrorism. Our leadership on this issue has been critical

not only in terms of our bilateral actions, but also in terms of our

efforts to mobilize international opinion to support broader measures

to deal with Sudan’s continuing support for terrorism.

Thank you, Mr. Chairman.

Mr. Chairman and Members of the Committee:

I welcome the opportunity to participate in this hearing on U.S. counterterrorism

policy towards Sudan. My colleague, Acting Coordinator for Counterterrorism Ken

McKune, will address the particulars of our counterterrorism policy. I would like to

complement his presentation by describing the broader concerns we have with

Sudan and the numerous actions we have taken in response, including our fight

against terrorism.

Background

Sudan is the largest country in Africa, as large as the eastern portion of the United

States. Its 27 million people belong to numerous ethnic and religious groups,

many of which fit together uneasily. The most distinct division in the country is between

a predominantly Arab/Muslim north and a predominantly non-Arab/non-Muslim

south. The desire of many southerners for greater autonomy, control of resources,

and liberation from the imposition of Islamic law lies at the heart of Sudan’s

continuous civil strife. Since independence in 1956, only the period between

1972 and 1983 saw a country at peace with itself. We estimate that the conflict has

taken about one and a half million lives. Today there are approximately two million

internally displaced persons in Sudan, as well as several hundred thousand Sudanese

refugees living in neighboring States.

The tragedy of Sudan is compounded by the fact that a potentially prosperous nation

has failed its own people and contributed negatively to the region’s welfare.

Decades of economic mismanagement have resulted in an inflation rate of more

than 100 percent and the largest arrears to the International Monetary Fund of any

country in the world. Endowed with the potential to generate food surpluses, poor

policies and civil war make Sudan a net food importer. The threat Sudan poses to

its neighbors has forced those countries to divert scarce resources from productive

to military ends.

Sudan Under the NIF: Fundamental Problem

Since 1989, when military officers aligned with the National Islamic Front (NIF)

overthrew Sudan’s last democratically-elected government, Sudan has implemented

a wide range of policies which have further alienated it from its citizens and earned

it the opprobrium of the international community. Our concerns, and our responses,

fall into four broad categories:

First, the NIF regime supports international terrorism, primarily by providing

safe-haven to terrorist elements. We have taken unilateral actions and worked

through the UN Security Council to mobilize international action on this issue.

Second, Khartoum actively seeks to destabilize its neighbors by providing material

support and haven for violent insurgent groups. President Clinton’s response is to

provide the neighboring States of Uganda, Ethiopia and Eritrea with non-lethal defensive

military assistance in 1996 and again this fiscal year.

Third, Khartoum has one of the worst human rights records in the world, inflicting

numerous abuses in both the north and the south of the country and allowing

slavery to continue in certain parts of the country. The United States has urged

Sudan to wipe out slavery and we have taken the lead in the UN Human Rights

Commission and General Assembly denouncing its human rights violations.

Fourth, the NIF has prosecuted a costly civil war rather than seek a just solution

that recognizes the rights of all its citizens. In its conduct of the war, Sudan also

hinders the delivery of humanitarian assistance to war-affected civilians. Since 1988

we have provided more than $600 million in humanitarian assistance, primarily to

the war-affected people in southern Sudan.

Certain of these abhorrent policies and practices are not new or unique to the current

regime, and our approach to Sudan considers the root causes of conflict. A complex

reality, however, in no way absolves the NIF-led government of responsibility

for its actions. Our objective is to isolate and contain the threat that the NIF regime

poses as well as to try to compel it to change its unacceptable behavior. Failing that,

we have made it clear to Sudan that they will face growing international pressure,

and that our bilateral relationship will further deteriorate.

I now would like to go into greater detail on each of our concerns and actions we

have taken in response.

Terrorism

In 1993, the Clinton Administration placed Sudan on the list of State sponsors

of terrorism and we have applied unilateral sanctions consistent with that designation.

Sudan was known to provide refuge, logistical support such as training facilities,

travel documents, and weapons to a variety of radical terrorist organizations.

Since 1995, Sudan has failed to cooperate with the international community to

help extradite to Ethiopia three suspects in the assassination attempt in Addis

Ababa against Egyptian President Hosni Mubarak. After demands from the organization

of African Unity (OAU) that Sudan facilitate their extradition to Ethiopia

went unheeded, the U.S. played a leading role last year in the adoption of three

U.N. Security Council resolutions. Resolution 1044 required that Sudan act ‘‘to extradite

to Ethiopia for prosecution’’ the three suspects and that it ‘‘desist’’ from ‘‘activities

of assisting, supporting and facilitating terrorist activities and from giving

shelter or sanctuary to terrorist elements.’’ The United States emphasized at the

time that we would consider Sudan responsible for extradition of the suspects even

if they allowed them to leave the country, as may now have occurred.

As a result of Sudan’s failure to comply with Resolution 1044, the Council considered

and adopted Resolution 1054, calling on member States to adopt travel restrictions

on Sudanese government officials, and Resolution 1070, which conceived of a

ban on flights by Sudanese Government-controlled aircraft. The United States Government

reduced the number of Sudanese diplomats in this country, restricted their

travel here, and imposed a restrictive visa regime for government and military officials.

In the face of mounting international pressure, Sudan has taken some steps to

respond to concerns about its involvement in international terrorism. Its most significant

action was the expulsion of exiled Saudi terrorist financier Osama bin

Laden and many of his so-called ‘‘Arab Afghan’’ followers. However, bin Laden remains

linked to a number of businesses in Sudan and retains ties to some NIF leaders.

Khartoum also took steps to tighten what has been an extremely porous border,

establishing new visa requirements to control foreign travel into and out of the

country. However, we consider these largely tactical steps. Sudan has far to go to

meet our concern that it cease its support for international terrorism.

Regional Stability

A central U.S. objective is that Sudan end its sponsorship of insurgent groups

which seek to destabilize the neighboring countries of Uganda, Ethiopia, and Eritrea.

Despite regional efforts to promote mediation, both within Sudan and with its

neighbors, Sudan’s regional policies have to date frustrated efforts to achieve a reasonable

accommodation.

To help these neighboring countries contain Sudanese-sponsored insurgencies, in

late 1995, President Clinton authorized the transfer of $15 million in non-lethal defensive

military assistance to these countries for FY96. A transfer of $4.75 million

of such equipment is taking place this fiscal year. The aid to date has consisted of

boots, backpacks, field radios, and tents. The first shipments of this assistance for

Eritrea and Ethiopia arrived in February 1997.

Human Rights

In April, the United States and other members of the UN Human Rights Commission

passed a consensus resolution expressing ‘‘deep concern at continued serious

human rights violations by the Government of Sudan.’’ The Resolution identified a

litany of ongoing abuses by the government, including ‘‘extrajudicial killings, arbitrary

arrests, detentions without due process, enforced or involuntary disappearances,

violations of the rights of women and children, slavery and slavery-like practices,

forced displacement of persons and systematic torture, and denial of the freedoms

of religion, expression, association and peaceful assembly.’’ The Commission

expressed ‘‘serious concern’’ over reports of ‘‘religious persecution, including forced

conversion of Christians and animists, in government controlled areas.’’

Last year, we succeeded, through the actions of the Human Rights Commission,

in getting Sudan to readmit the UN Special Rapporteur for Human Rights in

Sudan. As a consequence, the Special Rapporteur was able to produce important information

on ongoing abuses in Sudan that contributed to the international consensus

on Sudan’s record.

Civil War and National Reconciliation

Key southern and northern opposition forces have recently formed the National

Democratic Alliance (NDA). Their avowed aim is to oust the NIF from power. This

is an important development in Sudan’s civil war which has historically been a

struggle by southern Sudan’s socially distinct, non-Arab population against what

they see as northern government policies of ‘‘Arabization,’’ ‘‘Islamicization,’’ and political

exclusion. Active northern opposition to the NIF regime indicates the extent

to which its radical policies have alienated large segments of Sudanese society.

Rebel forces recently engaged and defeated GOS forces in several areas of southern

and eastern Sudan separated by hundreds of miles.

The U.S. Government does not provide any support to any party to the civil war.

We have supported efforts to achieve a negotiated settlement in a manner that recognizes

the legitimate interests and rights of all Sudanese. We do seek to mitigate

the devastating impact of civil war on the Sudanese people and are the largest provider

of humanitarian aid to Sudan. We continue to protest frequent Sudanese bans

on the type and destination of relief aircraft, based on allegations, which we consider

unfounded, that the assistance will go directly to rebel groups.

I would like to note here that we remain very skeptical that movement towards

resolving the civil war will emerge from a Peace Agreement signed on April 21 between

the Government and a number of the smaller rebel groups. Although the

Agreement contained a positive step in its recognition of Sudan’s multi-racial, -ethnic,

and -religious nature, it did not spell out how and to what extent these rights

would be respected in the context of the current NIF policies and practices. The

GOS professions of a desire to negotiate, moreover, must be viewed against the

backdrop of repeated, failed mediation efforts. As in the past, the most important

elements of the opposition, in this case the NDA, have not been persuaded that the

process or the Agreement itself will satisfy their legitimate interests.

I would also like to mention President Carter’s trip to the region last month.

President Carter undertook this mission in his capacity as a private citizen, and his

efforts carried no official U.S. Government sanction. At the same time, we welcome

his interest in Sudan’s continuing conflict and his efforts to promote a just solution.

The insights he gained during his travel have been considered with interest by the

Secretary.

The Importance of a Comprehensive Domestic Peace

The U.S. Government believes that the NIF government is fully culpable for the

abuses it has inflicted on its people, the aggressive acts it has committed toward

neighbors, and the support it has given international terrorism. We believe that it

can and must cease these activities.

It may be, however, that the radicalism of the current regime will continue as

long as the NIF-controlled government represents an embattled and narrowly based

segment of society. A just resolution of Sudan’s internal conflict—one that gives a

voice in government to more moderate elements in the north and to the major political

and ethnic forces in the south—would thus do much to eliminate the sources of

Sudan’s unacceptable domestic and international behavior. For this reason, our own

contribution to regional and international efforts to resolve Sudan’s civil war can

contribute to the achievement of our other goals vis-a-vis Sudan as well.

U.S.

U.S. objectives are clear and unequivocal: to isolate Sudan and to contain its support

for insurgents and terrorists and to oblige the Sudanese Government, by exacting

a price for unacceptable behavior, to change its domestic and international conduct.

Our ongoing diplomatic contacts with Sudanese officials are aimed at making our

serious objections known directly to senior levels in Khartoum. As the Secretary

said in another context, ‘‘engagement does not mean acceptance.’’

Ambassador Carney and others have expressed our concerns in detail to the Government

of Sudan. To date, the Sudanese responses have been inadequate and appear

to have been largely tactical, intended primarily to relieve domestic and international

pressure rather than to reflect a real reconsideration of policy.

The international community has made it clear that it will not accept cosmetic

changes from Khartoum and will insist on real improvement in Sudan’s domestic

and international behavior. It remains our hope that Sudan, in the face of this pressure,

will recognize the need to make such a fundamental change. Failing such a

change, as I said earlier, we have made it clear to the Government of Sudan that

they will face growing international pressure and that our bilateral relationship will

further deteriorate.

I do, Senator. And, again, I think the issue

at the time was whether the legislation required the administration

to take additional measures with respect to Sudan. The people

who were involved in making that determination, the lawyers, particularly

at the State Department and the Department of the

Treasury, were very closely involved and followed very closely the

consideration of the legislation at the time and, indeed, provided

our views about the legislation.

It was their considered judgment that the regulations issued by

the administration were consistent with the legislative history and

the legislative intent.

Senator Feingold, we are obliged, I think, as

we can do our work in all of these areas, to make distinctions, and

sometimes fine distinctions. As my colleague, Mr. McKune, pointed

out, Sudan is certainly an egregious violator of a number of international

norms, certainly with respect to its support for international

terrorism. And it was for that reason that this administration

took the initiative of placing Sudan on the list of State sponsors.

We have significant evidence of Sudan’s direct support for groups

that are involved in terrorism. In the case of others that are on

that list, we have evidence that goes beyond that—evidence of their

actual direction, organization and targeting of terrorist activities.

Our objective must always be, it seems to me, to take those actions,

those measures which we believe have a chance of changing

the behavior, the conduct of States like Sudan. In the case of

Sudan, one would say that there is at least evidence that they are

not immune, not insensitive to the kinds of pressures that we have

been able to mobilize, both unilaterally and multilaterally.

At the same time, we have made it quite clear that if Sudan’s

actions persist, if its attitudes and its behavior persist, we are

quite prepared to consider tougher measures, both unilaterally and

multilaterally. We would much prefer, frankly, to try to mobilize

international support, because our experience has been we really

want to have an impact, and that impact is likely to be greater if

we can organize others to join us in taking those kinds of actions.

But I think that we have tried to pursue a tough but calibrated—

if you will, graduated—policy with respect to Sudan, with the objective

of trying, to the best of our ability, to persuade this government

to cease and desist its acts and actions in support of international

terrorism.

Frankly, we are intensely skeptical about

the seriousness of the Government of Sudan’s intentions here to

seek a genuine political solution to the conflict. We have seen, unfortunately,

other situations in which the Khartoum Government

has sought to engage in half measures, if you will, efforts, not with

a serious intent of reaching a settlement, but, frankly, with the intent

of deflecting both domestic and international pressure.

Our concern about this most recent agreement is exactly that.

That concern is heightened by the fact that the Government has

not seriously engaged either the principal southern opposition

group, the SPLA, nor the broadly based National Democratic Alliance,

which is an alliance of both northern and southern groups.

The exclusion of those groups from participation in this so-called

peace agreement raises in our minds very serious doubts about its

viability and about the intent of the Sudan Government.

There is in that agreement, I think, an important

statement of principle that says that the Government

would respect the rights of people throughout the country to a certain

degree of autonomy with regard to, for example, religious freedom,

et cetera . Again, I would say that we need to look at that

against the backdrop of the specific actions the Government has

taken in the past and the lack thus far of any practical implementation

of those principles.

As of this stage, no, we cannot, Senator.

Senator, I really do hesitate to speculate on

that. I would say that there is nothing in our current assessment

of the situation which leads us to conclude that such an event is

imminent. On the other hand, we have made it quite clear, in both

our public pronouncements and our later actions with the Government,

our belief that they need to take actions, not only with respect

to the south of Sudan but to the north, that would accommodate

the legitimate concerns, grievances of the citizens of Sudan.

Whether in fact this current regime could do so and still survive

is, I think, a very good question.

We did indeed, Senator Feingold, suspend

our presence in Khartoum in early 1996 precisely because of concerns

about threats to the security of our people at the embassy

and our mission. Part of that concern, frankly, was the continued

presence in Sudan of representatives of the terrorist groups that

we have mentioned to you today. The question about when and

under what circumstances we might resume our presence I think

is a broad question that relates not only to security but also to policy.

And it is something, I think, that our new Secretary of State

will have to decide in the context of our overall relationship and

its evolution in Sudan.

Well, very definitely. I recall, Senator

Feingold, that even before the final designation was made, we had

numerous conversations with the Sudanese Government and their

authorities, which signaled the fact that we were intending to put

them on the list.

Prior to the designation. Because of their

failure to respond to our repeated expressions of concern about

their practices. In essence, giving them an opportunity, should they

have chosen that opportunity, to signal to us that they were intent

on changing practices and policies that would have kept them off

the list.

Since then, we have indeed—they have, as Mr. McKune has said,

actually asked us, sought our advice as to what it would take to

get them off the list. We have been quite clear about what our expectations

are. And as Mr. McKune has said, we have also been

quite clear that the steps that they have taken to date do not satisfy

us with regard to the fundamental concern of their support for

terrorism.

Senator, no, I cannot think of any evidence

offhand that would tie Sudan directly to the current conflict in

Zaire. The one exception I would make is that it was known for

some time before October or November of last year that Sudan was

supporting Ugandan insurgent groups, which were operating from

Zairian territory—operating from that territory, essentially because

the Zairian Government either could not or would not exercise control

over those groups.

So, to that extent, I think some of the actions that we have seen

by States like Uganda and Rwanda has been partly motivated by

their concern about threats posed to them from Sudanese supported

operations emanating from Zaire.

We are concerned about a great many

things with respect to Zaire. But, at the moment, again, I would

say we have no evidence that the Sudanese are seeking to exert a

particular influence with respect to future developments in Zaire.

But that is something I think we would be very vigilant about,

were we to see any manifestation.

I think it is a legitimate concern, that we

need to be concerned about what commercial or other activities

might contribute to the capacity of the Sudanese Government to

carry out and continue its support for international terrorism. I

think the issue that we were confronted with—and I can say I have

met several times with senior representatives of Occidental Oil—

I will say to you that at no time did this particular issue of section

321 ever—was that issue ever raised in our conversations. No particular

treatment was sought by the representatives of Occidental

Oil and none was granted.

I think the issue, again, goes back to what was the interpretation

of the legislation, what did we think was required by it with respect

to Sudan. And it was the view, on the advice of our lawyers

and others who followed this legislation, that it did not impose a

restriction on such commercial activities.

I will add, however, that in all of our conversations with Occidental

Oil, we pointed out to them that our relationship with Sudan

was a difficult one at best, that there was a certain likelihood that

that relationship would continue to be difficult, and might even deteriorate.

And that, in those circumstances, there could be no assurances

that the U.S. Government would not, in the future, impose

additional measures or sanctions that might affect their ability

to conduct commercial operations in Sudan.

I will defer to my expert on the right, Mr.

McKune, but our understanding from the Sudanese Government is

that they claimed to have taken action to cause Mr. Osama bin

Laden to leave Sudan—so expulsion.

I have heard reference to that statement. I

cannot reconcile, Mr. Chairman, what the Sudanese Government

said to us and what Mr. Turabi is saying publicly in that statement.

I certainly agree, Mr. Chairman, that his

influence has been preeminent in the course of this NIF-led regime

for the last 7 to 8 years.

More eminent than anybody else’s.

Indeed.

Certainly not, Mr. Chairman. Any agreement,

to be meaningful, is certainly going to have to include the

group that is well-recognized as having been the principal southern

opposition.

No, sir.

Mr. Chairman, I would say certainly it is

one of the worst. Let us put it this way: The reason we put it on

the list is precisely because we believe that it is an egregious violator

of international norms in support for international terrorism. I

would again say we are obliged to make sometimes fine distinctions

between the level, the extent, the degree of such support, that

there are distinctions among the seven States that are currently on

that list.

That said, the fact that they are on that list reflects our view

that their support for international terrorism is serious, and that

we take it seriously.

We are concerned about both, Mr. Chairman.

We have been very concerned not only about the possibility

of actions directed against citizens or properties of the United

States, we are also concerned about acts directed against our

friends and allies and acts that generally violate international

norms. That is why, again, we were in the lead in supporting action

in the U.N. Security Council following the attempted assassination

of President Mubarak in Addis Ababa in 1995. I will tell

you that I was in Addis at the time of that assassination attempt.

That is why we are continuing to pursue efforts in the international

community, and particularly in the Security Council, to

apply further measures because of Sudan’s failure to comply with

those earlier Security Council resolutions.

The regulations prepared by Treasury, as it

was indicated earlier, were prepared on the advice and recommendation

of the Department of State.

The Department of State, particularly the

lawyers and others who were required to interpret the intent of

section 321, made the recommendation to Treasury as to how to interpret

the law, and the regulations that were issued, I think I

would say, were a good faith effort on the part of those involved

to interpret the intent and the history of 321.

I will say first and foremost, Mr. Chairman,

we were not directly involved in—I was not directly involved in interpreting

that law. I would say also that yes, indeed, that certainly

what is reflected there is not inconsistent with what we

would wish.

Again, Mr. Chairman, I cannot profess direct

first-hand knowledge of the work that was done to interpret

the intent of the legislation.

Let me try that, Senator. Again, those members

of the Department of State who were responsible for following

this legislation were interacting with Members, the drafters and

others, of the legislation. There were numerous communications between

the State Department, the officials of the State Department,

and the drafters of the legislation at the time. We communicated

our views, our concerns, the Department of State communicated its

views with regard to that legislation. And it was on the basis of all

that communication that our lawyers, along with the lawyers of

Treasury, in good faith, interpreted the law, section 321, as permitting

this kind of latitude.

The Department of State welcomed the addition of this capacity,

this tool, this instrument, as part of its policy to deal with international

terrorism. But as we understood, as our lawyers and those

of Treasury understood the legislative intent and legislative history,

they did not believe that that provision required a full-scale

imposition of blocking of all financial transactions.

Senator Feingold, we are in the process now

of examining. We have not reached a position on Mr. McCollum’s

new proposed legislation. I will say as a general rule we would welcome

additional authorities that would enable the United States,

the administration, to enhance its ability to deal with terrorism.

I would say, if I might, as a general rule we would be a little

concerned about a particular piece of legislation that tried to apply

a one-size-fits-all response to all types and forms and manifestations

and sponsors of terrorism. I do think if the objective here is

to try to fashion policies that have some reasonable prospect of dissuading

or compelling governments that do sponsor terrorism from

ceasing and desisting in that sponsorship, then there is a logical

and rational argument to be made for some degree of latitude discretion

flexibility in the way those instruments, those implements,

are used.

But as I said, we have not yet completed our review of the particular

piece of legislation in question, and we will be prompt in

our replies and our responses and our comments on that legislation.

Senator, happily those are areas that fall

outside of my immediate area of responsibility and jurisdiction, and

I do not think it would be fair to my colleagues back in the State

Department to comment on that.

With regard to Sudan, though, I think one thing that we would

be concerned about are regulations, prohibitions on financial or

commercial transactions that, in addition to the issues of diplomatic

activity, might further complicate, make more difficult, the

efforts of humanitarian agencies to continue to carry out their already

very difficult missions in the Sudan. I think that is one consideration

that I would want to look at very carefully as I was looking

at any proposed legislation.

Mr. Chairman, we can certainly provide you

with the names of the offices that were involved. Essentially, it was

the Office of Legal Affairs, our legal advisors office, which routinely

is asked to try to interpret the history of legislation and the congressional

intent.

Mr. Chairman, I can certainly repeat what

I said earlier. I have on numerous occasions met with representatives

of Occidental Petroleum, and I think that is a normal part of

my responsibility as the Secretary of State for African Affairs and

given their interests. I will repeat that at no time in the course of

those conversations did Occidental Petroleum ever raise the issue

of sections 321. At no time did they seek any special treatment

with regard to any provision of law with respect to Sudan.

We did make it clear at that time that to the best of our knowledge

there was no legal prohibition on their continued pursuit at

that time of the commercial activity that they were seeking pursuing

in Sudan. But let me also reiterate——

I also said to them quite categorically that

we could not offer any guarantee that our relationship with Sudan

would remain static or that there would not be a further action by

this administration or any other that would not prohibit or somehow

curtail these kinds of commercial activities.

I know of no such involvement, Mr. Chairman.

I know of no such directive or communication

of any kind from the White House.

Mr. Chairman, I would certainly welcome

an opportunity to discuss with you ways in which we could together

strengthen our ability to deal with the threat of international

terrorism; specifically, with regard to Sudan.